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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

LOVING, JARIC E

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,989	HIRAI, JUN	
	Examiner	Art Unit	
	Jaric Loving	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Taguchi et al., US 6,584,210.

In claims 1 and 15, Taguchi discloses an information processing apparatus and method, comprising:

retrieving means for retrieving, from an information signal, a detection signal for detecting digital watermark information (col. 11, lines 21-55);

communicating means for transmitting the detection signal to another apparatus and receiving a processed result for the digital watermark information detected from the detection signal (col. 3, lines 27-28; col. 11, lines 21-55);

controlling means for performing control so as to restrict processing of the information signal, based on the processed result (col. 13, lines 6-18); and

storing means for storing the processed result in a manner capable of communicating with another apparatus (col. 3, lines 27-28).

In claims 2 and 16, Taguchi discloses an information processing apparatus and method according to claims 1 and 15, respectively, wherein the detection signal comprises a component selected from, of content information for detecting the digital watermark information, components needed for the detection (col. 11, lines 21-55).

In claims 3 and 17, Taguchi discloses an information processing apparatus and method according to claims 1 and 15, respectively, wherein the controlling means generates a warning when an improper condition for executing processing on the information signal is detected based on the processed result (col. 13, lines 6-18 – majority decision provides notice of results).

In claims 4 and 18, Taguchi discloses an information processing apparatus and method according to claims 3 and 17, respectively, wherein the controlling means generates a varied warning in accordance with the number of detections of the improper condition (col. 13, lines 6-18).

In claims 5 and 19, Taguchi discloses an information processing apparatus and method according to claims 1 and 15, respectively, wherein, when an improper condition for executing processing on the information signal is detected based on the processed result, the controlling means imposes a restriction on a capability of processing the information signal in accordance with the number of detections of the improper condition (col. 13, lines 6-18).

In claims 6 and 20, Taguchi discloses an information processing apparatus and method according to claims 1 and 15, respectively, wherein the retrieving means

Art Unit: 2137

retrieves the detection signal in accordance with the setting of a predetermined parameter (col. 7, line 6 – col. 8, line 4).

In claims 7 and 21, Taguchi discloses an information processing apparatus and method according to claims 6 and 20, respectively, wherein the predetermined parameter selectively sets a portion having a high distribution rate to the detection of relevant information based on the detection signal (col. 7, line 6 – col. 8, line 4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-14 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi and further in view of Shur, US 6,330,672.

In claims 8 and 22, Taguchi fails to disclose the predetermined parameter sets a frequency band filter that passes a frequency band of relevant information. Shur discloses the predetermined parameter sets a frequency band filter that passes a frequency band of relevant information (col. 7, lines 41-46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a frequency band filter to organize data streams. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a frequency

band filter because it allows a digital signal to be relatively pure of adverse influences and confined to a known or expected bandwidth of the signal (Shur, col. 7, lines 45-47).

In claims 9 and 23, Taguchi fails to disclose the predetermined parameter sets the range of playback time of an information signal on which relevant information is superimposed. Shur discloses the predetermined parameter sets the range of playback time of an information signal on which relevant information is superimposed (col. 6, lines 1-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a range of playback time to organize data. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a range of playback time because it limits the ability to easily replicate digital video by simply copying binary bitstreams (Shur, col. 3, lines 26-33).

In claims 10 and 24, Taguchi fails to disclose the predetermined parameter sets the range of a frame or field of playback video of an information signal on which relevant information is superimposed. Shur discloses the predetermined parameter sets the range of a frame or field of playback video of an information signal on which relevant information is superimposed (col. 6, lines 1-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a range of a frame or field of

Art Unit: 2137

playback video to organize data. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a range of a frame or field of playback video because it limits the ability to easily replicate digital video by simply copying binary bitstreams (Shur, col. 3, lines 26-33).

In claims 11 and 25, Taguchi discloses an information processing apparatus and method according to claims 6 and 20, respectively, wherein the predetermined parameter sets the range of pixels of an information signal on which relevant information is superimposed (col. 3, line 37 – col. 4, line 15). Taguchi fails to disclose playback video. Shur discloses playback video (col. 7, lines 18-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing playback video to organize data. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a range of playback video because it limits the ability to easily replicate digital video by simply copying binary bitstreams (Shur, col. 3, lines 26-33).

In claims 12 and 26, Taguchi fails to disclose the predetermined parameter sets a level range of a playback signal of an information signal on which relevant information is superimposed. Shur discloses the predetermined parameter sets a level range of a playback signal of an information signal on which relevant information is superimposed (col. 6, lines 1-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a range of playback signal to organize data. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a range of playback signal because it limits the ability to easily replicate digital video by simply copying binary bitstreams (Shur, col. 3, lines 26-33).

In claims 13 and 27, Taguchi fails to disclose the predetermined parameter sets a level range of a band-separated playback signal of an information signal on which relevant information is superimposed. Shur discloses the predetermined parameter sets a level range of a band-separated playback signal of an information signal on which relevant information is superimposed (col. 7, lines 41-46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a band-separated playback signal to organize data streams. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a band-separated playback signal because it allows a digital signal to be relatively pure of adverse influences and confined to a known or expected bandwidth of the signal (Shur, col. 7, lines 45-47).

In claims 14 and 28, Taguchi discloses an information processing apparatus according to claim 6, wherein the predetermined parameter selectively sets an intra

Art Unit: 2137

picture of a group-of-picture structure when an information signal on which relevant information is superimposed (col. 3, lines 37-54; col. 4, lines 16-46). Taguchi fails to disclose an information signal is compressed and encoded in compliance with a motion picture experts group 2 standard. Shur discloses an information signal is compressed and encoded in compliance with a motion picture experts group 2 standard (col. 2, lines 46-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a compressed and encoded information signal in compliance with motion picture experts group 2 standard to organize data streams. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a compressed and encoded information signal in compliance with motion picture experts group 2 standard because it helps eliminate redundancy in digital signals (Shur, col. 3, lines 48-51; col. 4, lines 10-25).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Stefik et al., US 7,031,471; Echizen et al., US 6,728,408; Stefik et al., US 6,233,684; Linnartz et al., US 5,933,798; Linnartz et al., US 7,000,113; Tanaka, US 2001/0026616; Yuval, US 2006/0174128; Stefik et al., US 2006/0059562; Tsuria, US 2005/0149735; Brundage et al., US 2002/0147910.

Art Unit: 2137

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaric Loving whose telephone number is (571) 272-1686. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JL



EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER